

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Fairfield Sentry Limited, et al.,

Debtors in Foreign Proceedings.

Fairfield Sentry Limited (In Liquidation),

Plaintiff

-against-

Theodoor GGC Amsterdam, et al.

Defendants.

This Notice of Motion to Dismiss is related to
the Following Adversary Proceeding:

10-03635

Chapter 15 Case

Case No. 10-13164 (BRL)

Jointly Administered

Adv. Pro. No. 10-03496 (BRL)

Administratively Consolidated

ORAL ARGUMENT REQUESTED

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of Defendants BNP Paribas (Suisse) SA, BNP Paribas (Suisse) SA Ex Fortis (n/k/a BNP Paribas (Suisse) SA), BNP Paribas (Suisse) SA Private (n/k/a BNP Paribas (Suisse) SA)'s Motion to Dismiss, the Plaintiffs' Fifth Amended Complaint dated August 11, 2021, in the above-captioned action, filed substantially contemporaneously herewith, and all prior pleadings and proceedings herein, Defendants BNP Paribas (Suisse) SA, BNP Paribas (Suisse) SA Ex Fortis (n/k/a BNP Paribas (Suisse) SA), BNP Paribas (Suisse) SA Private (n/k/a BNP Paribas (Suisse) SA) ("Defendant") will move this Court for an order dismissing with prejudice the complaint filed by the Liquidators of Fairfield Sentry Limited and Fairfield Sigma Limited, pursuant to Rule 12(b)(2)

of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Defendant does not consent to the entry of final orders or judgment by this Court.

Dated: October 29, 2021
New York, New York

CLEARY GOTTLLIEB STEEN &
HAMILTON LLP

/s/ Ari D. MacKinnon
Ari D. MacKinnon
Thomas S. Kessler

One Liberty Plaza
New York, New York 10006 Telephone:
(212) 225-2000

*Counsel for BNP Paribas (Suisse) SA, BNP
Paribas (Suisse) SA Ex Fortis (n/k/a BNP
Paribas (Suisse) SA), BNP Paribas (Suisse)
SA Private (n/k/a BNP Paribas (Suisse) SA)*